

DELEGATE KIEFER: I will answer that in this way, that this case establishes this concept and the principle the Committee intended to reach, and that is the effective separation of church and state.

The answer is therefore in the affirmative.

DELEGATE J. CLARK (presiding): Delegate Macdonald.

DELEGATE MACDONALD: Did the Committee consider whether or not you should include a clause which would, in so many words, prohibit a contribution of tax funds to a religiously-oriented institution?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: We did, and we rejected it.

DELEGATE J. CLARK (presiding): Delegate Macdonald.

DELEGATE MACDONALD: Why did you reject it?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Because we think the language we have stated clearly states that very principle, and the language of the Horace Mann case specifically states that such a contribution is forbidden.

DELEGATE J. CLARK (presiding): Delegate Macdonald, do you have a further question?

DELEGATE MACDONALD: You think you have already taken care of that situation, and that any such language as I mentioned would be superfluous?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Exactly.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Chairman Kiefer, you have adopted substantially the religious clauses of the First Amendment to the federal Constitution.

Am I to assume correctly that your Committee contemplated that the Supreme Court of the United States would have the ultimate and final determination in interpreting this particular language?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Well, it has only to the extent that it sets the limits beyond

which the State cannot go. The State can be more broad in its interpretation, if it wants.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Well, now, if the Supreme Court of the United States should determine that the language of the First Amendment in the precise area in which the Maryland Court of Appeals ruled in Horace Mann was somewhat different from the ruling in that case, would the Supreme Court of the United States prevail or would the Maryland Court of Appeals ruling prevail?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: In the State of Maryland, the Court of Appeals ruling would be the controlling ruling unless and until it reversed itself or changed it, obviously.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: You do not suggest that when the ruling of the United States Supreme Court and the ruling of the Maryland Court of Appeals conflict that the Supreme Court does not prevail?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: No, the Supreme Court obviously prevails.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: Has your Committee given any consideration to what effect the case of *Truitt v. Tawes*, involving hospital construction loans, had on changing or otherwise overruling the opinion in the Horace Mann case?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: I do not think that we considered it from that particular point of view. We know about that case. That involves hospital aid, and that was not a matter of religious aid but a matter of a public purpose for hospital care, public welfare, and this is an area in which there has never been any conflict, as far as I know.

DELEGATE J. CLARK (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: If it should be determined that *Truitt v. Tawes*, the